

September 14, 2021 Council Meeting

The regular meeting of the Council of the City of Martinsville, Virginia was held on September 14, 2021 in Council Chambers, Municipal Building, at 7:00 PM with Mayor Kathy Lawson presiding. Other Council Members present included Danny Turner, Chad Martin, Jennifer Bowles and Tammy Pearson. Staff present included City Manager Leon Towarnicki, Assistant City Manager/City Attorney Eric Monday, Clerk of Council Karen Roberts, Community Development Director Mark McCaskill, Finance Director Linda Conover, and Police Chief Eddie Cassady.

Mayor Lawson called the meeting to order and advised Council would go into Closed Session beginning at 6:30 PM. In accordance with section 2.1-344 (A) Code of Virginia (1950, and as amended) and upon a motion by Council Member Pearson, seconded by Vice Mayor Bowles with the following 5-0 recorded vote: Council Member Turner, aye; Vice Mayor Bowles, aye; Council Member Pearson, aye; Council Member Martin, aye; and Mayor Lawson, aye. Council convened in Closed Session to discuss the following matters: (A) Consultant with legal counsel and briefings by staff members, attorneys or consultant pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by such counsel, as authorized by Subsection 7. At the conclusion of Closed Session, each returning member of Council certified that (1) only public business matters exempt from open meeting requirements were discussed in said Closed Session; and (2) only those business matters identified in the motion convening the Closed Session were heard, discussed, or considered during the meeting. A motion was made by Vice Mayor Bowles; seconded by Council Member Martin, with the following 5-0 recorded vote in favor to return to Open Session: Council Member Turner, aye; Mayor Lawson, aye; Vice Mayor Bowles, aye; Council Member Martin, aye; and Council Member Pearson, aye. No action was taken out of Closed Session.

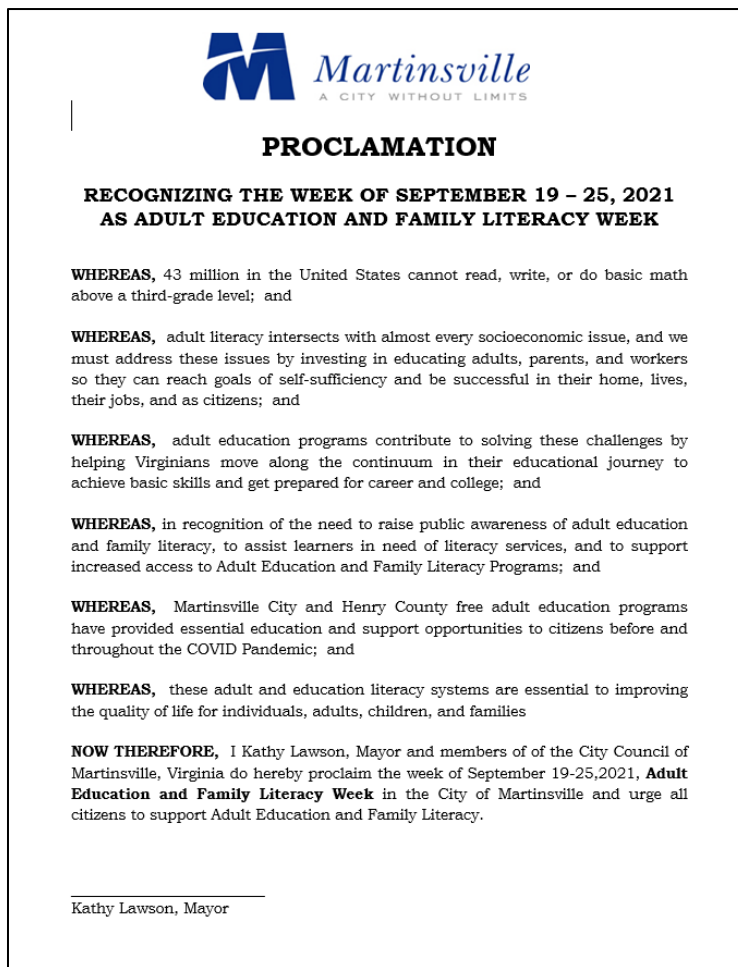
Following the Pledge to the American Flag and invocation by Council Member Pearson, Lawson welcomed everyone to the meeting. Mayor Lawson explained that the meeting would follow COVID guidelines, allowing limited attendance and recognizing social distancing recommendations. Council Member Martin arrived at 7:05pm

Approve minutes from the August 24, 2021 Council Meeting – Vice Mayor Bowles made a motion to approve the minutes as presented. Council Member Pearson seconded the motion with all Council Members voting in favor.

Consider reading and presenting a proclamation recognizing the week of September 19 – 25, 2021 as Adult Education Literacy Week – Vice Mayor Bowles read the proclamation which was presented to Lealice Hagwood of the Martinsville Adult & Career Education Services and Robin Gravely of the Henry County Adult & Career Education Services. Hagwood briefly described what services the organization offered, stating that 20% of Martinsville/Henry County residents need literacy assistance. The Martinsville branch will be hosting a fundraiser on September 19 at 5:00pm at Martinsville Speedway. Gravely explained that Henry County would have activities to promote literacy in the community throughout the week also. On

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average, Henry County served 80 adults from ages 18-80 years old this past year.



Hear an update from Martinsville-Henry County Family YMCA regarding the City/YMCA contract for services related to City parks & recreation programs – Brad Kinkema, Executive Director of the Martinsville YMCA updated Council on available activities including some newly offered activities this year and how the pandemic has affected those. The YMCA operates the bike barn, Kinkema explained that residents can check out a bike and ride that on the Dick & Willie trail at no charge; about 60 residents take advantage of this option each week. Miles in Martinsville marathons continue to be successful with the Harvest Moon Run this Friday. The City workers do a tremendous job in assisting with those races. Mayor Lawson thanked him for working with the City to reroute the races so that traffic is not blocked from reaching uptown businesses. The YMCA offers water aerobics and chair aerobics to assist the seniors in the area.

Consider approval of certain policies and certifications related to the Pine Hall Road Community Development Block Grant project – Community Development Director Mark McCaskill and Brandy Dudley, Regional Planner in Housing for West Piedmont Planning District Commission summarized the policies and certifications in regard to compliance with DHCD and HUD regulations. McCaskill explained that more policies would be brought before Council for approval in the coming months. Council Member Turner expressed concern that lesser qualified contractors would be given favoritism because of a low-income status.

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McCaskill and Dudley explained that all contractors must be competent to perform the work and must hold the appropriate certifications. McCaskill explained that this is a way for the City to select a smaller, local business for this project versus a “big box” company. Bowles stated that “low-income” does not correlate to “least qualified”. Pearson said that she does not read where it says “least qualified” in the policy. Dudley spoke up, stating hiring someone who makes a lower income does not mean lower quality work. Vice Mayor Bowles made a motion to approve Appendixes 4 and 6 and the Certification in Appendix 9. The motion was seconded by Council Member Martin. McCaskill advised that there are committees assigned to select the contractors and follow up with them to ensure they are performing the work to standards. Council Member Martin said that he feels that Turner is misunderstanding the wording and referenced Virginia’s SWaM certification program as it relates to small, women-owned and minority-owned businesses, giving the example of Applebee’s compared to a local, resident-owned restaurant. Council Member Turner made a motion to amend Appendix 4, Section 3; there was no second to the motion so motion died. Bowles clarified that Appendix 9 is about fair housing and it is the standard resolution that Council does that takes at least one action each grant year in regard to fair housing. Lawson confirmed that Appendix 6 is the non-discrimination policy. Turner continued to express concern and referenced issues with the previous Northside Project. Dudley argued Turner’s thoughts that lower income contractors would provide lower quality work. Vice Mayor Bowles made a motion to call the question; Council Member Martin seconded the motion with all Council Members in favor. Mayor Lawson asked for the voice vote in regards to approval of the policies and certifications with voice vote being 4-1: Lawson, aye; Martin, aye; Bowles, aye; and Pearson, aye. Turner voted nay and reiterated his opposition to the way the policy is written.



Date: September 8, 2021  
 To: Leon Towarnicki  
 From: Mark McCaskill, Community Development Director  
 RE: Pine Hall Grant related City Council actions for September 14, 2021 City Council meeting.

**SUBJECT:**  
 Contracting period with Virginia Department of Housing and Community Development (DHCD) for the City of Martinsville's Pine Hall Housing Rehabilitation Project.

**BACKGROUND:**  
 The City of Martinsville was recently awarded \$1,183,310 in DHCD Funds to be matched by private and local funds (primarily in-kind) of \$496,425 for a total project cost of \$1,679,735 for the Pine Hall Housing Rehabilitation Project. We are currently in the contracting period with DHCD to develop a final contract that complies with DHCD and Federal Housing and Urban Development (HUD) regulations. We anticipate a final contract by mid-November. As a part of the contracting period, City Council will need to approve various Policies and Certifications, three of which are included as attachments to this staff report. It is anticipated that staff will provide additional items for approval at City Council's September 28<sup>th</sup> and October 12<sup>th</sup> meetings.

**NEXT STEPS:**  
 There are three items included for discussion and action:  
 • **Appendix 4 SECTION 3 BUSINESS AND EMPLOYEE PLAN** – This certifies to the greatest extent feasible we will take steps to encourage the

Department of Community Development, 55 W. Church Street Martinsville VA 24112, 276-403-5156

hiring of lower income persons residing in the City for the activities that are funded with CDBG funds.

- **Appendix 6 NON-DISCRIMINATION POLICY** – This is a formal adoption of a straightforward non-discrimination policy.
- **Appendix 9 FAIR HOUSING** – This is a standard resolution certifying that we will take at least one action each grant year with regards to fair housing. DHCD will provide a list of actions, from which we can select.

**STAFF RECOMMENDATION:**

Staff respectively recommends that City Council vote to approve Appendix 4, Appendix 6 and Appendix 9

**Attachments:**

Appendix 4 SECTION 3 BUSINESS AND EMPLOYEE PLAN  
 Appendix 6 NON-DISCRIMINATION POLICY  
 Appendix 9 FAIR HOUSING

Department of Community Development, 55 W. Church Street Martinsville VA 24112, 276-403-5156

Appendix  
**4.A SECTION 3  
 BUSINESS AND EMPLOYMENT PLAN**

1. The *Martinsville City Council* designates as its Section 3 Business and Employment Project Area the City of Martinsville.
2. The *Martinsville City Council*, its contractors, and designated third parties shall in utilizing Community Development Block Grant (CDBG) funds utilize businesses and lower income residents of the City in carrying out all activities, to the greatest extent feasible.
3. In awarding contracts for construction, non-construction, materials, and supplies the *City of Martinsville, Virginia*, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in the City:
  - (a) The *Martinsville City Council* shall identify the contracts required to conduct the CDBG activities.
  - (b) The *Martinsville City Council* shall identify through various and appropriate sources including:  
The Henry County Enterprise or the Martinsville Bulletin  
City of Martinsville Website  
City of Martinsville Social Media  
 the business concerns within the City which are likely to provide construction contracts, non-construction contracts, materials, and services which will be utilized in the activities funded through the CDBG.
  - (c) The identified contractors and suppliers shall be included on bid lists used to obtain bids, quotes or proposals for work or procurement contracts which utilize CDBG funds.
  - (d) To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CDBG funds.
4. The *Martinsville City Council* and its contractors and subcontractors shall take the following steps to encourage the hiring of lower income persons residing in the City:
  - (a) The *Martinsville City Council* in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for

both trainees and employees which are likely to be used to conduct CDBG activities.

- (b) The *Martinsville City Council* shall advertise through the following sources  
The Henry County Enterprise or the Martinsville Bulletin  
City of Martinsville Website  
City of Martinsville Social Media  
 the availability of such positions with the information on how to apply.
  - (c) The *Martinsville City Council*, its contractors, and subcontractors shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquiries and applications.
  - (d) To the greatest extent feasible, the *Martinsville City Council*, its contractors, and subcontractors shall hire lower income project area residents in filling training and employment positions necessary for implementing activities funded by the Community Development Block Grant (CDBG).
5. In order to document compliance with the above affirmative actions and Section 3 of the *Housing and Community Development Act of 1974, as amended*, the *Martinsville City Council* shall keep, and obtain from its contractors and subcontractors, *Registers of Contractors, Subcontractors and Suppliers* and *Registers of Assigned Employees* for all activities funded by the CDBG. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

Duly approved at the regular meeting of the Martinsville City Council on September 14, 2021.

Karen Roberts, Clerk of Council

Appendix

6

Non-Discrimination Policy

The *City of Martinsville, Virginia* or any employee thereof will not discriminate in employment, housing or accommodations because of race, color, religion, national origin, sex or gender, age, familial status, source of income, veteran status, disability, sexual orientation or gender identity. Administrative and personnel officials will take affirmative action to ensure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer, rates of pay or other forms of compensation; and selection for training.

Duly approved at the regular meeting of the Martinsville City Council on September 14, 2021

Karen Roberts, Clerk of Council

Fair Housing Certification

Compliance with Title VIII of the Civil Rights Act of 1968

WHEREAS, *City of Martinsville, Virginia* has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended, and

WHEREAS, recipients of funding under the Act are required to take action to affirmatively further fair housing;

NOW THEREFORE, on this 14<sup>th</sup> day of September, 2021, the *City of Martinsville, Virginia* agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

Karen Roberts, Clerk of Council

Consider approval of Consent Agenda – Vice Mayor Bowles made a motion to approve the consent agenda as presented; Council Member Pearson seconded the motion with all Council Members voting in favor.

BUDGET ADDITIONS FOR 09/14/21				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
<b>BUDGET ADDITIONS</b>				
<b>FY2021</b>				
<b>General Fund:</b>				
01101918	443106	VDEM-SWVA INCIDENT MGMT TEAM		31,545
01322106	506100	SWVA IMT - MISCELLANEOUS EXPENSE REIMBURSEMENTS	31,545	
<b>Total General Fund:</b>			<b>31,545</b>	<b>31,545</b>
<b>FY2022</b>				
<b>School - ESSER/CARE Fund:</b>				
19102926	499995	ESSER II		2,948,571
91001100	561120	INSTRUCTIONAL S&W	587,340	
91001100	561151	INSTRUCTIONAL AIDES S&W	3,920	
91001100	562100	SOCIAL SECURITY PAYMENTS	37,944	
91001100	566013	INSTRUCTIONAL MATERIALS & SUPP	16,792	
92001100	561120	INSTRUCTIONAL S&W	79,628	
92001100	561151	INSTRUCTIONAL AIDES S&W	60,860	
92001100	562100	SOCIAL SECURITY PAYMENTS	10,075	
92001100	566013	INSTRUCTIONAL MATERIALS & SUPP	12,000	
97100110	566013	INSTRUCTIONAL MATERIALS & SUPP	961	
97100110	566056	NON-CAPITAL EQUIPMENT	19,585	
98000222	561190	SERVICE S&W	58,080	
98000222	562100	SOCIAL SECURITY PAYMENTS	30,904	
98000222	563000	PURCHASED SERVICES	1,000	
98000222	565503	TRAVEL	1,000	
98000222	566056	NON-CAPITAL EQUIPMENT	4,000	
98000325	561170	OPERATIVE S&W	39,255	
98000325	562100	SOCIAL SECURITY PAYMENTS	2,796	
98000340	568100	CAPITAL OUTLAY REPLACEMENT	197,274	
98000420	563000	PURCHASED SERVICES	950,938	
98000420	568100	CAPITAL OUTLAY REPLACEMENT	667,577	
98000810	566040	TECH SOFTWARE & ONLINE CONTENT	57,963	
98000810	568210	TECH HARDWARE ADDITIONS	20,925	
98000820	561300	PART-TIME SALARIES & WAGES	23,738	
98000820	562100	SOCIAL SECURITY PAYMENTS	1,974	
98003252	561170	OPERATIVE S&W	6,051	
98003252	562100	SOCIAL SECURITY PAYMENTS	463	
98003352	561190	SERVICE S&W	9,101	
98003352	562100	SOCIAL SECURITY PAYMENTS	697	
98102131	563000	PURCHASED SERVICES	45,730	
<b>Total School ESSER/CARE Fund:</b>			<b>2,948,571</b>	<b>2,948,571</b>
<b>School Operations Fund:</b>				
18102926	499992	ESSER MENTAL HEALTH SERVICES		15,399
81021100	563000	Purchased Services	15,399	
18102926	499993	ESSER UNIVERSAL SCREENER		4,354
82021100	566000	Materials & Supplies	4,354	
18102926	499996	GEER VISION		42,460
80008100	566040	Software & Online Content	42,460	
18102926	499997	ESSER CLEANING & SANITIZATION		17,617
80004200	566007	Custodial Supplies	8,597	
80004200	566056	Non Cap Equipment	9,020	
18102926	499998	ESSER FACILITIES UPGRADE		20,531
80004200	566056	Non Cap Equipment	20,531	
<b>Total School Operations Fund:</b>			<b>100,361</b>	<b>100,361</b>

Business from the Floor – none

Comments by City Council – Council Member Turner wished Vice Mayor Bowles a happy birthday. Turner thanked those who helped raise money to provide first responders a meal at Uptown Martinsville restaurants. Council Member Martin wished Bowles a happy birthday and shared a story from when she was 4 years old, he is amazed to see the growth she's had and the woman she's become. Council Member Pearson thanked Turner, Chamber of Commerce and other organizers for the 9/11 ceremony. Pearson hopes that residents come together even after

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the 20<sup>th</sup> Anniversary of 9/11. Happy birthday to Vice Mayor Bowles and Pearson hopes their friendship continues to blossom. Bowles thanked Turner for helping organize the 9/11 events and thanked all Council for the birthday wishes. Mayor Lawson also wished Bowles a happy birthday. Lawson expressed appreciation to everyone who donated to and participated in the 9/11 ceremony; the recording can be viewed on several local stations. Lawson shared that the flags will be out on Friday for Constitution Day.

Comments by the Assistant City Manager/City Attorney – City Manager Towarnicki stated that the City is working with the County again this year on the Outstanding Military Veteran Award which will be presented on Veteran's Day. Any citizen can submit an application or nominate a local resident and veteran for consideration of this award. The application deadline is Friday October 15. The Five Points Neighborhood Project is finally through the permitting process and they expect grading to begin next week. Hopefully the foundations will go in and houses will be set late October. The houses have been built and stored at Nationwide Homes for some time. Towarnicki said he's received some calls regarding Neighborhood meetings. Unfortunately, with the resurgence of COVID, reinstatement of those meetings will need to be pushed off again until at least Spring 2022.

There being no further business, Bowles made a motion to adjourn the meeting; the motion was seconded by Martin with all Council Members voting in favor. The meeting adjourned at 8:00pm.

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Karen Roberts, Clerk of Council

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Kathy Lawson, Mayor